

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SOUTH PITTSBURGH, LLC,)
)
Plaintiff,) Civil Action No. 05-1504
)
v.) Judge Standish
) Magistrate Judge Caiazza
STATE INDUSTRIES, INC.,)
et al.,)
)
Defendants.)

MEMORANDUM ORDER

On November 1, 2005, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

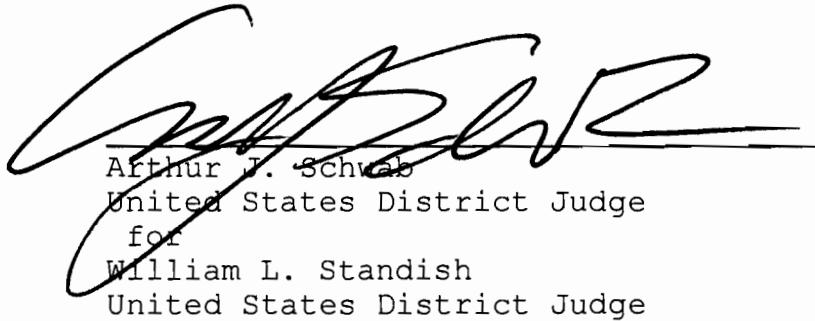
On March 14, 2006, the magistrate judge issued a Report (Doc. 17) recommending that the Defendants' Motion to Dismiss (Doc. 8) be granted in part and denied in part. Service of the Report and Recommendation was made, and the parties have filed objections. See Docs. 18 & 19.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, on this 12th day of April, 2006,

IT IS ORDERED that the Defendants' Motion to Dismiss (**Doc. 8**) is **GRANTED IN PART** and **DENIED IN PART**, as described in the magistrate judge's Report.

The Report and Recommendation of Magistrate Judge Caiazza dated March 14, 2006 is hereby adopted as the opinion of the District Court.



Arthur J. Schwab
United States District Judge
for
William L. Standish
United States District Judge

cc (via email):

Alan T. Silko, Esq.
Leo G. Daly, Esq.
Holly M. Whalen, Esq.
Lawrence J. Drabot, Esq.